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COURT OF CRIMINAL APPEALS
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In the

COURT OF CRIMINAL APPEALS OF TEXAS

MICHAEL RAY SENN,
Appellant,

v.

THE STATE OF TEXAS,
Appellee.

ON REVIEW OF THE SECOND COURT OF APPEALS' JUDGMENT AND OPINION IN CAUSE NO. 02-15-00201-CR

APPELLANT'S BRIEF ON THE MERITS

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IDENTITY OF PARTIES AND COUNSEL

The number and style of the case in the court below is as follows: *State of Texas v. Michael Ray Senn,* trial court cause no. 1308222.

Criminal District Judge	Hon. Louis Sturns
Second Court of Appeals	Hon. Sue Walker Hon. Anne Gardner Hon. Bill Meier
Defendant-Appellant	Michael Ray Senn
Plaintiff-Appellee	The State of Texas
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STATEMENT OF THE CASE

Appellant Michael Ray Senn was found guilty of sexual assault and prohibited sexual conduct. (CR 174-76; 4 RR 123-124.) The sexual assault count (Count 1) alleged as a special issue that Appellant was prohibited from marrying the victim in order to trigger the enhanced penalty for sexual assault under Section 22.011(f) of the Texas Penal Code. (CR 7.) The jury found in the affirmative on the special issue.

Following a punishment hearing, the jury sentenced Appellant to Life imprisonment on sexual assault (Count 1) and 20 years imprisonment for prohibited sexual conduct (Count 2.) (CR 184-96; 5 RR 94.)

STATEMENT OF PROCEDURAL HISTORY

On appeal, Appellant challenged the application of the § 22.011(f) enhancement on four grounds: 1) the sufficiency of the evidence; 2) equal protection; 3) vagueness; and 4) the absence of any instructions regarding bigamy in the definitions and application paragraph in the trial court's charge. *Senn v. State* (*Senn I*), 551 S.W. 3d 172, 175 & 183 (Tex. App.—Fort Worth 2017),*vacated and remanded*, Tex, Crim. App. Unpub. LEXIS 899 (Tex. Crim. App. November 22, 2017). The Second Court of Appeals overruled Appellant's claims of error and affirmed the judgment. *Senn I*, 551 F.3d at 183.

Appellant petitioned for discretionary review. *In re Senn*, 2017 Tex. Crim. App. LEXIS 1213 (Tex. Crim. App. November 22, 2017). This Court granted the petition, vacated the appellate court judgment, and remanded the case back to the court of appeals to reconsider its decision in light of the Court's decision in *Arteaga v. State*, 512 S.W. 3d 329 (Tex. Crim. App. 2017). *Senn v. State* (*Senn II*), 2017 Tex. Crim. App. Unpub. LEXIS 899 (Tex. Crim. App. November 22, 2017) (per curium) (not designated for publication) at *1.

On remand, the Second Court of Appeals found the evidence insufficient to support the § 22.011(f) enhancement. *Senn v. State* (*Senn III*), 2018 Tex. App. LEXIS 3528 (Tex. App.—Fort Worth May 17, 2018), *withdrawn on reh'g*, 2018 Tex. App. LEXIS 8722 (Tex. App.—Fort Worth, October 25, 2018, pet. granted). The panel later withdrew its opinion and substituted a new one, still reaching the same result. *State v. Senn* (*Senn IV*), 2018 Tex. App. LEXIS 8722 at *8 (Tex.—App. Fort Worth, October 25, 2018, pet. granted). The court of appeals expressly declined to review Appellant's remaining three points of error in light of its finding that the evidence was insufficient to support the 22.011(f) enhancement. *Id.* at n. 7.

The State petitioned for discretionary review, and this Court granted the petition. *In re Senn*, 2018 Tex. Crim. App. LEXIS 345 (Tex. Crim. App. April 10, 2019).

QUESTIONS PRESENTED

I. Did the court of appeals below correctly find the evidence was legally insufficient to support the § 22.011(f) enhancement where the State presented no evidence that Appellant engaged in bigamy, as defined under § 25.01?

II. Even if proof of actual bigamy is not required, mustn't the court still remand the case to the lower court in order to review his remaining claims?

STATEMENT OF THE FACTS

The jury found Appellant guilty of sexual assault and prohibited sexual conduct with a biological descendant. The evidence at trial showed that Appellant had impregnated his adult biological daughter. *Senn IV,* 2018 Lexis App. 8722 at *2. (State Ex. 3); (3 RR 116.)

On the sexual assault count, the State alleged as a special issue the bigamy enhancement under § 22.011(f) of the Texas Penal Code. (CR 7.) But there was no evidence that Appellant had engaged in bigamy. *Senn IV*, 2018 Lexis App. 8722 at *14-15. Nevertheless, the State sought to prove the special issue with mere evidence that Appellant had been married to another woman at the time of the sexual assault. (State Ex. 2; 3 RR 91.)

The Court's charge contained no reference whatsoever to bigamy or § 25.01. (CR 171-174.) The charge contained no definition of bigamy, nor was there any mention of bigamy or § 25.01 in the application paragraph or verdict form. (CR 171-174.) Counsel requested those items be included, but the court denied these requests. (4 RR 95-97.)

The jury answered the special issue in the affirmative, catapulting Apellant's statutory sentencing range on the sexual assault count from 2-20 years to 5-99 years or life. (CR 175; 4 RR 124.); *see* Tex. Penal Code § 22.011(f). Appellant was sentenced to life on sexual assault and 20 years imprisonment on the prohibited sexual conduct charge. (CR 183-85); (5 RR 94.)

SUMMARY OF THE ARGUMENT

Issue I

The court of appeals correctly applied this Court's decision in *Arteaga* in concluding the evidence was legally insufficient to support enhancement under § 22.011(f). There was no evidence that Appellant had ever engaged in bigamy. Thus, the court of appeals below correctly concluded that the State failed to establish the necessary "facts constituting bigamy" required to trigger liability under § 22.011(f).

The State relies on footnote 9 in *Arteaga* to effectively argue that proof of marital status is enough. But footnote 9 is unclear and in any event carries no precedential value as a footnote. The court of appeals below correctly observed that each time this Court espoused its holding, it used the "facts constituting bigamy language," language which denotes that bigamous conduct must be shown.

In any event, the State's proposed interpretation would produce absurd results. Under the State's proposed reading, the penalty provision applies any time either the defendant or the victim is married. This interpretation writes bigamy out of the statute as an element; the analysis

hinges instead on marital status. A married non-bigamist and bigamist would both subject to the enhanced penalty, with bigamous conduct having no bearing whatsoever on triggering the provision. It seems absurd that the Legislature would stiffen the laws against bigamy in such a circuitous fashion, with bigamy playing no role whatsoever in the application of the statute.

The Court's holding in *Arteaga* provides the only sensible reading of the statute. The State must prove "facts constituting bigamy," and establish that Appellant engaged in bigamous conduct. This reading directly accomplishes the Legislature's stated goal of strengthening the laws against bigamy; those who commit sexual assault will face a far stiffer penalty if they also engaged in bigamy. The focus of the law rightly turns on bigamous conduct and not mere marital status. Alternatively, even if the State's reading is plausible, this Court should adopt the narrower construction of the statute under the rule of lenity.

Issue II

Even if the Court agrees with the State that § 22.011(f) does not require bigamous conduct, this Court must remand the case back to the

court of appeals to consider Appellant's remaining three claims. Specifically, Appellant challenged the § 22.011(f) enhancement on vagueness and equal protection grounds, and fourthly claimed the trial court had committed charging error by failing to include instructions and definitions related to bigamy. The court of appeals premised the rejection of each claim on its mistaken view that the § 22.011(f) enhancement applied due to Appellant's biological relationship to his daughter. This very interpretation was rejected by the Court in *Arteaga,* which held that § 22.011(f) was limited to bigamous situations.

However, upon remand by this Court after *Arteaga*, the court of appeals expressly declined to review these remaining claims of error. Because the court of appeals had granted relief on the first ground, those issues were unnecessary to resolve. Thus, if the Court disagrees with the court of appeals' resolution of Appellant's first ground, it must still remand the case to the lower appellate court to consider these remaining issues. The Court does not ordinarily address issues on discretionary review that have not been first decided by the intermediate court of appeals.

ARGUMENT AND AUTHORITIES

I. The court of appeals correctly concluded that the evidence supporting the bigamy enhancement was insufficient because the State failed to "prove facts constituting bigamy" as required under this Court's decision in *Arteaga v. State*, 521 S.W. 3d 329, 336 (Tex. Crim. App. 2017).

A. Standard of Review

In reviewing the legal sufficiency of the evidence, this Court must apply the familiar Constitutional standard: viewing the evidence in the light most favorable to the verdict, it must determine if any rational trier of fact could have found each of the essential elements of the offense to have been proven beyond a reasonable doubt. *See, e.g.*, *Jackson v. Virginia*, 443 U.S. 307, 318-19 (1979); *Crabtree v. State*, 389 S.W. 3d 820 (Tex. Crim. App. 2012). The Court must measure the legal sufficiency of the evidence by the elements of the offense, as defined by a hypothetically correct jury charge. *Crabtree*, 389 S.W. 3d at 824.

This Court reviews questions of statutory construction *de novo*. *Ramos v. State*, 303 S.W. 3d 302, 306 (Tex. Crim. App. 2009).

B. Argument

In 2017, this Court remanded Appellant's case to the court of appeals to reconsider its decision in *Senn I* in light of the Court's then-recent decision in *Arteaga v. State*, 521 S.W. 3d 329 (Tex. Crim. App. 2017). *Senn II*, 2017 Tex. Crim. App. Unpub. LEXIS 899 at *1. This Court described its *Arteaga* decision as holding that "under § 22.011(f), the Legislature 'intended for the State to *prove facts constituting bigamy*.'" *Id.* (quoting *Arteaga*, 521 SW. 3d 329) (emphasis added) (internal quotations in original). The Second Court of Appeals dutifully set about reevaluating its decision. And it found, as it must have, that the evidence was legally insufficient "because no facts exist that [Appellant] committed a bigamy offense." *Senn IV*, 2018 Tex. App. LEXIS 8722 at *15.

Nevertheless, the State points to footnote 9 in *Arteaga*, and argues that it need not show proof of actual bigamy. (St. Br. at 16-18.) *See Arteaga*, 521 S.W. 3d at n.9. Footnote 9 of *Arteaga* has certainly caused confusion, but its meaning is unclear. In footnote 9, the Court elaborated on the meaning of the phrase "facts that *would* constitute bigamy" as used in the body of the opinion. *See Arteaga*, 521 S.W. 3d at 335. That

particular phrase had been used in the opinion prior to the footnote in the course of discussing the lower's court's erroneous interpretation of the statute. *Id; see Senn IV*, 2018 Tex. App. LEXIS 8722 at *7. But the holding itself contains different language: "the State is required to prove facts *constituting bigamy." See Arteaga*, 521 S.W. 3d 329, 335 (Tex. Crim. App. 2017) (emphasis added). "Facts constituting bigamy" denotes actual conduct, not hypothetical future scenarios. As the court below observed, "each time the holding is referenced, [this Court] does not use the 'would constitute bigamy language' but instead utilizes the 'facts constituting bigamy' language." *Senn IV*, 2018 Tex. App. LEXIS 8722 at *10.

Alternatively, to the extent there is a conflict between this Court's holding in *Arteaga* and footnote 9, the holding in the body of the opinion should control. *See Gonzales v. State*, 435 S.W. 3d 801, 813 n. 11 (Tex. Crim. App. 2014) ("[w]e agree that we have intimated that we are not bound by holdings expressed in footnotes of our own opinions"); *Young v. State*, 826 S.W. 2d 141, 144 n. 5 (Tex. Crim. App. 1991) (stating that footnotes should receive minimal precedential value); *see Senn IV*, 2018 Tex. App. LEXIS at 8722 at *11-12 (citing same cases and noting that this

Court "has previously instructed that footnotes . . . are not precedential"). The *Arteaga* concurrence, which opines as to the meaning of the majority opinion, is not binding on the Court. *See Arteaga*, 521 S.W. 3d at 341 (Yeary, J., concurring); *Schultz v. State*, 923 S.W. 2d 1, 3 n. 2(Tex. Crim. Ap. 1996) (concurring opinions not binding).

The State's suggested reading of the statute would produce absurd results. *Muniz v. State*, 851 S.W. 2d 238, 244 (Tex. Crim. App. 1993) (refusing to give effect to a literal interpretation of the statute when such an interpretation produces absurd results). In effect, under the State's reading, the statutory enhancement will always apply upon proof that either the defendant or the victim is married. A defendant need not even intend bigamy let alone commit it.

This case illustrates the absurdity of this view. Under the State's interpretation, the enhancement applies to Appellant because, as a married man, "he *would* be guilty of bigamy" if he ever tried to marry the victim. (St. Br. at 25) (emphasis in original). The enhancement thus applies to Appellant solely because he belongs to the broad class of individuals in society who are married. Bigamy has nothing to do with the

analysis. The bigamist and the married non-bigamist, as married individuals, are both equally subject to the enhancement.

This interpretation cannot possibly be what the Legislature had intended. The Legislature enacted the enhanced penalty provision under § 22.011(f) to target "bigamy, polygamy, and the laws associated with those practices." *See Arteaga*, 521 S.W. 3d at *14-15 (discussing legislative history). It was enacted in direct response to efforts by the FCLDS to move to Texas. *Id.; State v. Rousseau*, 396 S.W. 3d 550, 553 (Tex. Crim. Ap. 2013) (observing legislative history "suggest[ed] the Legislature crafted the bigamy provision to particularly target fundamentalist Mormons involved in bigamous relationships with children."). But the State's proposed interpretation puts "bigamists who sexually assault their purported spouses" on precisely the same footing as married non-bigamists. *Rosseau*, 396 S.W. 3d at 558.

Under the State's formulation, those *actually engaged* in bigamy suffer no penalty beyond others who are married and not engaged in bigamy. This interpretation produces absurd results, effectively eliminating bigamy as an element or circumstance warranting enhanced

punishment. Rather, the penalty provision is triggered based solely on the marital status of the defendant or victim. It strains credulity to think a penalty statute designed to toughen the laws against bigamy would attach no consequence whatsoever to the actual practice of bigamy. *Muniz*, 851 S.W. 2d at 244("if one reasonable interpretation of a statute yields absurd results and another interpretation yields no such absurdities, the latter interpretation should be preferred"). Nor does it seems plausible that the Legislature would take the circuitous route of targeting bigamists by using such a broad classification (marital status) as its proxy.

The only sensible reading of the statute is the one already determined by this Court in its holding in *Arteaga*: "the Legislature intended for the State to prove *facts constituting bigamy* whenever it alleges that the defendant committed sexual assault." *Arteaga*, 521 S.W. 3d at 336 (emphasis added); *id.* at 335 ("[w]e conclude that the State is required to prove *facts constituting bigamy* under all three provisions of 22.011(f)") (emphasis added). This reading directly accomplishes the goal of the statute, which was to stiffen the "weak laws prohibiting bigamy and sodomy" that had attracted the FCLDS to Texas. *Arteaga*, 521 S.W. 3d at

337. It does just that by imposing a harsher penalty on those sexual assailants who are also engaged in bigamy. *See id.* at 336 (rejecting lower court's opinion that the Legislature wanted to raise the punishment level for conduct beyond bigamous situations).

Applying this holding, the Second Court of Appeals below and the Seventh Court of Appeals have both correctly concluded that the State must prove bigamous conduct to invoke the enhancement. *See Senn IV*, 2018 Tex. App. LEXIS 8722 at *14-16; *Lopez v. State*, 567 S.W. 3d 408, 411-414 (Tex. App.—Amarillo 2018, pet. granted); *but see Rodriguez v. State*, 571 S.W. 3d 292, 298-99 (Tex. App.—Houston [1st Dist.], 2018, pet. granted).

The First Court of Appeals and the dissent below point to this Court's decision in *Estes v. State*, 546 S.W. 3d 691 (Tex. Crim. App. 2018) as authority for the proposition that bigamous conduct is not required to trigger the § 22.011(f) enhancement. *See Rodriguez*, 571 S.W. 3d at 299; *Senn IV*, 2018 Tex. App. LEXIS 8722 at *7 (Gabriel, J., dissenting). But *Estes* is wholly inapposite.

As observed by the court of appeals below, Estes had raised an as-applied equal protection challenge to the State's use of the § 22.011(f) enhancement against him, not a sufficiency challenge. *Estes*, 546 S.W. 3d at 697-706; See *Senn IV*, 2018 Tex. App. LEXIS 8722 at n. 5. The substance of Estes' equal protection complaint was that the statute discriminated against him on the basis of his status as married. *Id.* at 699. Estes' equal protection claim thus took as a given that the statute reached his conduct; the complaint centered on whether enforcing the law against him violated equal protection.[1] The scope of § 22.011(f) was not in question in *Estes*. The Court was only called upon to answer whether it violated equal protection to prosecute Estes under the facts of his case. *Estes*, 546 S.W. 3d 697-706.

Arteaga had no bearing on deciding *Estes*. The *Estes* majority's recitation of *Arteaga* footnote 9 was *dicta*, and did nothing to supplant

[1] Estes did appear to argue in his as-applied challenge to the court of appeals that the statute was unconstitutional because the enhancement was only intended to apply in cases where bigamy is involved. *Estes*, 548 S.W. 3d at 695, However, it does not appear that Estes ever actually raised a claim that the evidence fails to trigger liability under the statute. *See Estes v. State*, 487 S.W. 3d 737, 746-762 (Tex. App.—Fort Worth 2016) *reversed and remanded by* 546 S.W. 3d 691 (Tex. Crim. App. 2018).

Arteaga's clear holding that the State must prove "facts constituting bigamy." *Estes,* 546 S.W. 3d at 699; *Arteaga*, 521 S.W. 3d at 335.

Section 22.011(f) is not a model of clarity. In fact the Court itself has already found the statute to be ambiguous. *Arteaga*, 521 S.W. 3d at 336. For this reason, even assuming the State's interpretation were plausible (it is not), and did not lead to absurd results (it does), this Court nevertheless should still interpret the statute in the defendant's favor under the rule of lenity. *See DePierre v. United* States, 564 U.S. 70, 88 (2011) ("[t]he rule of lenity requires ambiguous criminal laws to be interpreted in favor of the defendants subjected to them") (internal citation omitted); *United States v. Granderson*, 511 U.S. 39, 41 (1994) ("Where text, structure and history fail to establish the Government's position is unambiguously correct courts apply the rule of lenity and resolve the ambiguity in a criminal defendant's favor."); *Liparota v. United States*, 471 U.S. 419, 427 (1985); *Cuellar v. State*, 70 S.W. 3d 815, 821 (Tex. Crim. App. 2002) (Cochran, J. concurring) (rule of lenity requires courts to adopt less harsh meaning of ambiguous statutes).

II. Even if the State is not required to prove bigamous conduct, this Court must still remand the case to the appellate court to consider Appellant's remaining claims of error.

A. Standard of Review

This Court does not "ordinarily address issues on discretionary review that have not been first decided by the intermediate courts of appeals." *Blasdell v. State*, 384 S.W. 3d 824, 828, n. 3 (Tex. Crim. App. 2012) (citing *Stringer v. State*, 241 S.W. 3d 52, 59 (Tex. Crim. App. 2007). Upon initial remand, the court of appeals declined to consider Appellant's remaining three challenges to the § 22.011(f) enhancement in light of *Arteaga,* because it accorded him relief on his sufficiency claim. *See Senn IV,* 2018 Tex. App. LEXIS at n. 15 (expressly noting that it was declining to review Appellant's remaining three points of error in light of its holding on the first claim error).

B. Argument

Even if the Court finds that bigamous conduct is not required under the statute, the case must be remanded to the court of appeals to reconsider Appellant's remaining three claims. *Arteaga* impacts all three remaining claims of error and the court of appeals has not had an

opportunity to reconsider those claims in light of the *Arteaga* decision. *See Blasdell*, 384 S.W. 3d at n. 3.

Regarding Appellant's second claim, he challenged the enhancement as unconstitutionally vague as applied to him. Upon initial review, the court of appeals rejected Appellant's vagueness challenge on a basis now discredited by *Arteaga*. The Court found the phrase "prohibited from marrying" in § 22.011(f) was sufficiently clear so as to inform Appellant "as a person of ordinary intelligence . . . that he was forbidden or enjoined from marrying his biological daughter" under the statute. *Senn I*, 551 S.W. 3d at 180. *Arteaga* nullifies the basis for this holding. *See Arteaga*, 521 S.W. 3d at 335-339 ("prohibited from marrying" encompasses bigamy, not consanguinity).

The same holds true for Appellant's equal protection claim. The court of appeals below rejected Appellant's claim on the grounds that married and unmarried men alike are subject to the enhancement when they sexually assault their biological child. *See Senn I*, 551 S.W. 3d at 182. This viewpoint was based on the lower's courts flawed reading of § 22.011(f). The court below had erroneously found that the antecedent

clause "prohibited from marrying" was not limited to situations involving bigamy, and could thus encompass situations like incest. *Senn I*, 551 S.W. 3d at 177. This Court expressly rejected this interpretation in *Arteaga*, concluding instead that the penalty provision was limited to bigamous situations. *Id.* at 336. Furthermore, the Court specifically held that incest did not trigger liability under the statute. *See Arteaga*, 521 S.W. 3d at 335-339. Consequently, as with Appellant's vagueness challenge, the Court rejected Appellant's equal protection claims on a flawed basis per *Arteaga*.

Nor does *Estes* foreclose Appellant's equal protection challenge. In *Estes*, this Court rejected an as-applied equal protection claim raised by a defendant who had sexually assaulted a fourteen-year old girl. *See Estes*, 564 S.W. at 694. This Court found that the marital classification to be rationally related to the Legislature's legitimate interest in protecting children. *Id.* at 699. The majority emphasized that its opinion was "inform[ed] and limit[ed]" by the "particular facts and circumstances of the case." *Id.* at 709. Estes was a "married man convicted of sexually assaulting a child." *Id.* The sexual assault victim in this case was not a

child, and thus Appellant's equal protection claim remains unresolved. *Senn IV,* 2018 Lexis App. 8722 at *2. (State Ex. 3); (3 RR 116.) The Court made clear in *Estes* that it "express[ed] no opinion whether other kinds of challenges, if raised would be more or less likely to succeed than the one presented here." *Id.*

Finally, the court of appeals needs an opportunity to reconsider its decision regarding Appellant's claim of jury-charge error. The court of appeals' rejection of Appellant's claim of jury-charge error is directly at odds with this Court's decision in *Arteaga*. *Compare Senn I*, 551 S.W. 3d at 183 (jury instructions on bigamy not required because liability not limited to bigamy); with *Arteaga*, 521 S.W. 3d at -337-38 (liability limited to bigamy and instructions on bigamy were required).

Like Arteaga, Appellant was found to have molested his own daughter. *Compare Arteaga*, 521 S.W. 3d at 332; *with Senn IV*, 2018 Tex. App. LEXIS 8722 at *2. Thus, both cases invited confusion as to whether proof of incest could trigger liability under the enhancement. In *Arteaga*, the Court made pellucidly clear that the "bigamy statute is 'the law applicable to the case and should have been included in the charge because

the jury had to understand what 'prohibited from marrying' meant before it could determine whether Arteaga was guilty of the allegations." *Arteaga*, 521 S.W. 3d at 338 (internal quotations in original). This was not done in Appellant's case, and thus without question the trial court erred.

Because this claim was preserved below, Appellant need only show "some harm" to reverse the conviction. *Almanza v. State*, 686 S.W. 2d 157, 171 (Tex. Crim. App. 1985). The case must be remanded to the second court of appeals to review that question, along with Appellant's other two claims of error. *See Senn IV*, 2018 Tex. App. LEXIS 8722 at n.11 (declining to review Appellant's claim of jury-charge error because sustained sufficiency challenge afforded greater relief).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully prays that this Court will overrule the State's grounds for review and uphold the judgment of the Second Court of Appeals. Alternatively, he requests that the Court remand his case to the court of appeals to consider the remaining three issues Appellant raised on direct appeal.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this Brief was prepared with WordPerfect X8, and that according to that program's word-count function, the entire document contains 4,853 words. Thus, the brief complies with Rules 70.3 and 9.4(i)(2)(B) of the Texas Rules of Appellate Procedure.

/s/ William R. Biggs
WILLIAM R. BIGGS

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2019, I filed a copy of the foregoing electronically. The State will receive electronic notice and service of this filing at coaappellatealerts@tarrantcounty.com. Once the clerk approves this brief, I will send a filemarked copy of this brief by certified mail to Michael Ray Senn, TDCJ No. 02004798, Stiles Unit, 3060 FM 3514, Beaumont, TX 77705.

/s/ William R. Biggs
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